

TOWN OF NEWINGTON  
CONSERVATION COMMISSION

MEETING MINUTES

April 21, 2020

*This meeting was presented as a Zoom Webinar/Meeting*

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I. CALL TO ORDER

Chairman Sadil called the meeting to order at 7:00 p.m. via Zoom.

II. ROLL CALL

John Bachand  
John Casasanta  
Kathleen-Marie Clark  
Bernadette Conway  
Richard Lavarriere  
Alan Paskewich  
Andreas Sadil  
Max Turgeon

Also present:

Erik Hinckley, Inland Wetland Agent  
Susan Gibbon, Recording Secretary  
Gail Budrejko, Town Council Liaison  
James Krupienski, Town Clerk (moderating meeting)

*(\*These minutes of the April 21, 2020 meeting are verbatim.)*

Chairman Sadil: Point of Order, I wish to seat Bernadette Conway for Commissioner Block in his absence. Moving on to Item III on the Agenda, it is Public Participation on Non-Agenda Items, each speaker is limited to 2 minutes.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*(each speaker limited to 2 minutes)* - Handled by Zoom application or telephone call-in

Town Clerk Krupienski: We do have one individual on right now, if they would like to attend they can use the application or raise their hand using \*9.

Commissioner Bachand: How do we raise our hand by the way?

Town Clerk Krupienski: You would click participants at the bottom of your screen and at the bottom of that window, it will show it.

Commissioner Bachand: So, I clicked on the hand raising.

Town Clerk Krupienski: Yes, I do see it John. We are on public participation.

E. Hinckley: We are on public participation now so hang on minute.

Commissioner Bachand: Ok.

RECEIVED FOR RECORD  
IN NEWINGTON, CT  
2020 APR 27 PM 12:21  
*James O. Krupienski*  
Town Clerk

Town Clerk Krupienski: Mr. Chairman, I would like to indicate that your liaison, Ms. Budrejko is on as well. Would you like me to unmute her is she needs to speak or move her over to the panelist side?

Chairman Sadil: Unmute her please. Hello Gail.

Councilor Budrejko: Hey. I didn't know you were going to do this, I didn't get dressed up, I have my t-shirt on.

Town Clerk Krupienski: Would you like me to move you over to the panelist side?

Councilor Budrejko: No, that's fine, not a problem.

Commissioner (?): Hi Gail, hope you are well.

Councilor Budrejko: Thank you very much, same to you all.

Town Clerk Krupienski: We now have another individual who has come on, Steve. If he is interested in speaking during public participation, if he is on the application he can raise his hand by hitting the button or by hitting \*9 if he is using his telephone. At this point, it does not look like we have anybody from the public who wishes to speak. Mr. Chairman.

#### IV. ACCEPTANCE OF MINUTES

##### A. Regular Meeting of December 17, 2019

Chairman Sadil: Ok. Moving on to Item IV which is the Acceptance of Minutes of the Regular Meeting of December 17, 2019. Are there any additions or corrections from the commissioners?

Commissioner (?): Were those emailed?

Chairman Sadil: Yes, for the March meeting. They were in the packet for the March meeting which was subsequently cancelled.

Commissioner (?): All right, thanks.

E. Hinckley: Yes, you did get hard copies of them because they were mailed for the March meeting which was subsequently cancelled. We did not resend them.

Commissioner (?): Ok. Thank you.

Chairman Sadil: Seeing no corrections from the commission, can I get a motion accept the meeting minutes from the December 17, 2019 meeting.

Commissioner Lavarriere: So moved.

Chairman Sadil: Motion by Commissioner Lavarriere. Seconded by?

Commissioner Casasanta: I second that.

Chairman Sadil: Second by John Casasanta?

Commissioner Casasanta: Yes.

Chairman Sadil: All in favor?

Commissioners: Aye.

Chairman Sadil: Opposed? We have one abstention from Commissioner Conway. How many in favor was that? We have one, two, three, four, five, six in favor.

Susan Gibbon: Yes, and one abstention.

Town Clerk Krupinski: Mr. Chairman. I would like to remind commission members that before you begin speaking, please state who you are. A lot of people may be at home or listening on their phone and may not know who you are without recognizing yourself first.

Chairman Sadil: Thank you.

## V. NEW BUSINESS

### A. General Permit 1 Renewal

Chairman Sadil: Moving on to New Business – General Permit 1 Renewal. I will give Erik Hinckley the floor to start the conversation.

Commissioner Bachand: I just have one question before we begin. Commissioner Bachand.

E. Hinckley: All right, go ahead.

Commissioner Bachand: Is this on NCTV, how are people watching this?

Town Clerk Krupinski: The video itself is going out to our YouTube channel that has been posted on to our website, as well as anyone who is a member or an attendee is viewing it live with you.

Commissioner Bachand: Ok. So it went out in the notice of the meeting that there is a way for public participation. Or there is a way to view it.

Town Clerk Krupinski: That's correct. On the notice you received at the top of the notice it indicated the Newington website location to obtain attendance information as well as the YouTube link was on there as well.

Commissioner Bachand: Ok. Thank you.

Chairman Sadil: Erik, please continue.

E. Hinckley: Ok, so we have here the General Permit, which is up on the screen. This was approved in 2016, I did make a slight error, it is not up for renewal, but it is a good discussion point because there are a couple of items that have come up recently where the town is doing work, that memo will be coming up in a moment. This is something to think about and it is good for the new members to get familiar with. Basically, General Permit 1 gives the town purview to do minor activities within a regulated area without having to come before the board and get a permit. Such as cleaning channels, brooks, ponds and stuff like that; not major activities, but minor maintenance type activities which are kind of defined in this permit. The highlighted portion, these are the types of memos that I am supposed to get from the individuals doing the work, which typically would be either the highway superintendent or the superintendent of parks. So they are the two parties that do that work, their staff. This year the town has started using Stamm Construction as a third party vendor, so to speak, to do some of this work. In past years, prior commissions and board members were not necessarily in favor of extending the General Permit to contractors hired by the town. Be that as it may, we are

working under this permit, so that might be something for you guys to think about for next year when this does come up for renewal. James, please provide the next slide. This is a memo from the highway superintendent, it is pretty basic, it's about some areas that they are going to be cleaning over the next 6 months. This work is ongoing; some of it has been done. I know that area of Brookdale was done and some other areas. I haven't been out to any other sites yet. The next memo please.

Commissioner Bachand: Just one questions.

Chairman Sadil: Commission Bachand is speaking.

Commissioner Bachand: Yes, thank you. I'm not seeing any slides. Are we supposed to see them or is that just for the viewing public?

E. Hinckley: You should be seeing them. James? John say he can't see...

Commissioner Lavarriere: Richard here... John you need to click on one of the little thumbnails in the top corner.

Commissioner Bachand: Ok...I don't see any slides.

Commissioner Lavarriere: Look over where you see your face at, there are thumbnails.

Commissioner Bachand: Ok, I got it. Thank you.

E. Hinckley: All right, so the current memo up on the screen is from the town engineer. This is a case where the hired Stamm Construction to come in and do some cleaning of Millbrook off Main Street. This work was started, the weather turned a little bad on them, the ground got a little soft so their intended completion date was not met. I believe that they intend to go out and finish the job when the ground dries up. So that is really it for these memos at this point in time. If you guys have any questions, I will certainly answer them.

Chairman Sadil: Mr. Hinckley.

E. Hinckley: Yes.

Commissioner (?): You said that there was a minor versus major earlier. Is there a distinction or do you kind of call it as you see it kind of thing.

E. Hinckley: You have to kind of read through the General Permit and it kind of discusses what they consider maintenance activities. If you read it, they can do work in wetlands, watercourses, to be clean and other maintenance activities which may include material from the water courses, minor pipe installation, minor grading operations, construction activities and other maintenance related activities.

Commissioner (?): Right, where is...is there a distinction between major and minor...

E. Hinckley: No, there is not.

Commissioner (?): It is kind of vague is my point.

E. Hinckley: It is a little vague. Again this an item that if the commission chooses to tighten this up...the reason we have this is so that the town departments don't have to jump through too many hoops to do general maintenance work in town within a regulated area when

it needs to be done. They don't want to be held up. So, like I said, these are all talking points and discussion points going forward for what you guys want to do.

Commissioner (?): Sure, and respectfully I feel like there should be a dividing line, right? It should be clear-cut, there shouldn't be that much interpretation.

E Hinckley: Again, this is pretty much the same type of language that has been used in the General Permit since I have been here the past 13 years. The last time they did change it a little bit, they added the highlighted portion. So, you guys can certainly...there are other towns that have much simpler ones than this, so it really depends upon the level that you guys want to go to and have to work with this.

Commissioner (?): Thank you.

Town Clerk Krupinski: If I could just remind everyone to ID yourselves, it is part of the Executive Order. Even you Erik.

E. Hinckley: Yes sir.

Town Clerk Krupinski: Thank you.

Chairman Sadil: Mr. Hinckley, this is Chairman Sadil.

E. Hinckley: Yes.

Chairman Sadil: I have a question regarding using private contractors to do this work. Does the language in the permit need to be revised to allow that? Like having Stamm Construction going in and doing the work, is there some language that gives the town authorized to do that?

E. Hinckley: Umm...this, it's language that you may want to put in. I don't know if you necessarily, I believe that at one point the town attorney looked at this when they were getting ready to do this and he told the highway superintendent and town engineer that this would extend to a contractor regardless of the language. That is his decision I guess and if you wanted to tighten up that language we can do it on the next permit, if you want to do that.

Chairman Sadil: I open it up to other commissioners. Commissioner Bachand.

Commissioner Bachand: I did see that others had their hands raised too. I am clicking on that thing, I don't know who sees that. But anyway, John Bachand here, I don't have a problem the way that it is, but I would go along with someone if someone wanted to add contractors to it. I think it is already, like Erik mentioned, inclusive already. And to Mr. Lavariere's idea of how to distinguish between minor and major, I guess the only way to do that is put a dollar amount, an estimated dollar amount on the job, or a time frame, you know, how long it would take to do the work. I have been seeing a lot of these brooks cleaned up, so I guess it was the same contractor doing the work, but I guess the town has been doing the work on the streams and culverts as well. I am happy to see that, those are just two points I would offer.

E. Hinckley: Ok. I believe Commissioner Casasanta has his hand raised.

Commissioner Casasanta: Yes, John Casasanta here. I just...just a quick question. The contractors doing the work, who will be overseeing it? Will it be the individual departments like highway, or parks, or will engineering be overseeing the work being done?

E. Hinckley: Typically it is being overseen by the foreman of the various departments. The town engineer has gone out on a couple of these and has looked at the ones on Millbrook. I go out on occasion to make sure they are keeping the best E&S controls that they can with turbidity curtains, etc.

Commissioner Casasanta: Ok, thank you.

E. Hinckley: Alan Paskewich. Ok, Andreas I don't know what you want to do. Alan has his hand raised, but he is muted. I don't know if he realizes it.

Commissioner Paskewich: I think I just unmuted myself.

E. Hinckley: Ok, there you go.

Commissioner Paskewich: Going back to what I was trying to state is, off of Wilson Avenue where the brook crosses over, adjacent to that is wooded area, adjacent to the brook across from the Polish American Club. There has been some activity in there, brush and timber being removed. Are you aware of that?

E. Hinckley: Yes, that is one of the highway projects, the highway department I believe, it could have been parks, but I can say that town forces have been in there and have done some work.

Commissioner Paskewich: So the question is, would that be done under the General Permit?

E. Hinckley: That is correct. That is the type of work they would do under the General Permit.

Commissioner Paskewich: So did they send a memo?

E. Hinckley: Yes, I have received a lot of memos and the Wilson Avenue bridge is on one of the memos that I showed you a couple of minutes ago.

Commissioner Paskewich: OK. Thank you.

E. Hinckley: Kathleen.

Commissioner Clark: Hello. I just, this is Kathleen-Marie Clark, and I just wanted to, for our newer members, the highlighted area that Erik referred to was added by whoever was on the commission when this came up for review, just because there had been at least one, I don't want to say incident, but one area of cleaning up that we felt we should have been consulted on, so we actually added some more strict language to it because we wanted a little more oversight. If anyone can remember details, I encourage them to bring them up, because that is the best that I can remember. So that was added by us and again, if we decide we need more or less, we have a year to discuss it at meetings and to make it happen a year from now.

E. Hinckley: If you guys want, I can leave this item and drop it to old business, so if you guys want to discuss it periodically going forward.

Commissioner (?): I guess I'll make a motion on that.

Commissioner Bachand: I have a comment, sorry...

E. Hinckley: Go ahead John.

Commissioner Bachand: John Bachand here. I was raising my hand, literally, in front of the camera here and I clicked on the thing also. So this permit is not technically up right now, correct?

E. Hinckley: That is correct. I did make an error by putting renewal on there. I apologize.

Commissioner Bachand: No problem. In my opinion it is no problem. That is a two year permit now, what is it, five years?

E. Hinckley: It is for five years.

Commissioner Bachand: Five years, ok; I don't have a problem with that either. Back to what Alan was saying, that is what I had noticed myself. I noticed the one on Wilson and in a couple of other places. And just to be clear, the clearing was so they could access to the brook, the equipment in there to clean out the culvert and clean out the brook, so that is it. Thank you.

E. Hinckley: Ok.

Chairman Sadil: I'll like to call on Commissioner Conway. Does she have any comments?

Commissioner Conway: I appreciate the extra explanation that was provided by Commissioner Clark and I guess my only question would be why is a third party needed. Is it the scope of the work or the amount of the work is too much for those departments? I guess that would be the only question I have.

E. Hinckley: My understanding is that they have equipment that the town doesn't have necessarily to do some of this work.

Commissioner (?): That's what it is.

E. Hinckley: I think it is the heavier equipment. Could the town do it? Probably, it most likely would be a little longer timeline. But that is the reason I am being told.

Commissioner Conway: Thank you.

E. Hinckley: You're welcome.

Chairman Sadil: I just want to take a few action items about revising the language as we go the next couple of months – 1) do we need to make a distinction between major and minor work and 2) the use of outside contractors. Is that something you need to craft or is that something that is an open item in your eyes Mr. Hinckley?

E. Hinckley: What I will do is take this under consideration and maybe at the next couple of meetings if you guys think of more points that you would want in there and when we get to the point that there are a few things you want me to add, I can draft a draft permit and we can circulate and discuss at future meetings.

Chairman Sadil: Ok. It will be under Communications and Reports, I am assuming.

E. Hinckley: I can put it under Communications and Reports or I can drop it to Old Business for the next couple of meetings and then drop it down to Communications when in the draft stage.

Chairman Sadil: I am acceptable to that. Does the commission concur?

Commissioner Casasanta: Yes.

Commissioner Bachand: I do as well.

Commissioner Lavarriere: Yes.

E. Hinckley: I see that Kathleen has her hand raised.

Commissioner Clark: I concur with that, but I also want to make sure, we can't affect the change for a year, is that correct? We can discuss it for the next year, but this permit cannot be changed until that 5-year period is up. Is that correct?

E. Hinckley: That is typically the way it goes, yes. What I can do next year when we are ready to renew the permit is, if you like, I can invite the highway superintendent and town engineer in to discuss their activities and how they go about it with you guys before you take action on that if you would like that.

Commissioner Clark: I think that is a great idea, and instead of having them all come in at the last minute when we are playing around with the language, having one another or them come to a meeting along the way to foster communication from the conservation commission to those departments. I think that would be a great way to do it.

E. Hinckley: Absolutely, I can arrange that. Let me see how we are going to be doing with our meetings going forward and get them all in here, maybe not all at the same time, like you said, but get them in here before we draft something up and have a discussion to see what their wants, hopes and aspirations are for this.

Chairman Sadil: Thank you. We will go on with our agenda.

## VI. OLD BUSINESS

Chairman Sadil: Old Business, there is no Old Business, we move on to Section VII - Public Participation on Non-Agenda Items, each speaker is limited to 2 minutes.

## VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*(each speaker limited to 2 minutes)* - Handled by Zoom application or telephone call-in

Chairman Sadil: Do we have anyone on the phone who wishes to speak?

Town Clerk Krupienski: At this point there are two individuals who are on the phone, nobody has raised their hand or on the application. Your liaison is on as well. Nobody has indicated that they wish to speak at this time.

Chairman Sadil: Ok, thank you. Moving on to Section VII – Communication and Reports – A. Agent Reports

## VIII. COMMUNICATIONS AND REPORTS

### A. Agent Communications

Chairman Sadil: Erik, do you an update for the commission?



E. Hinckley: Yes, we haven't been totally unbusy here. In the past couple of weeks I have done an agent approval for an above ground pool at 25 Bushy Hill and also another application for an above ground pool at 124 Carriage Hill Drive. Those are both complete, they have been advertised and the Mylar's are here, ready for signature at some point in the future when the Chairman can get in. Otherwise, that it is it.

Chairman Sadil: Thank you. Moving on to B. Invasive Plants. Commissioner Clark do you have an update?

#### B. Invasive Plants

Chairman Sadil: Commissioner Clark do you have an update?

Commissioner Clark: Yes I do. I attended the flower show in Hartford, just before everything shut down, and I volunteered at the booth put on by the Connecticut Invasive Plan Working Group. It was a wonderful experience, I was there for three hours I think and members of the public came up, asked questions about invasive plants, which ones concerned them the most, I thought it was a really terrific outreach and a lot of people who really don't know much about invasive plants are looking for that information.

Chairman Sadil: Ok, thank you.

Commissioner Clark: You're welcome.

Chairman Sadil: All right, let's move on to C – Vernal Pools.

#### C. Vernal Pools

Chairman Sadil: Commissioner Paskewich do you have an update?

Commissioner Paskewich: This month, no I do not, but look forward to hopefully having something coming about and some further research I might be able to have for next month.

E. Hinckley: I have taken your draft proposals for vernal pools and have inserted them into the inland/wetland regs as you gave them to me. So at some point in the future, maybe for next month, I will push those copies out for your review.

Commissioner Paskewich: Thank you.

Chairman Sadil: Did you find them acceptable? We mirrored them quite a bit out of the Berlin regs. Was that what you were expecting, was there anything that you reviewed with town staff or find anything that was unacceptable.

E. Hinckley: It's been a few weeks since I read them. I don't recall anything that jumped out at me one way or the other. Just as a point of interest, these will have to, when you decided you want to finalize these, it will have to go to DEEP for review at the state level and if they have any comments they will kick them back to us and then we still have to go before town council and they would have to approve these was well once we get to that point.

Chairman Sadil: Thank you. Mr. Paskewich do you have anything to add before we move on with the agenda?

Commissioner Paskewich: No, I just look forward to when Erik move it on to DEEP and hopefully the town council for further advisement. Can you hear me?

Chairman Sadil: Yes, we can. All right, I think that concludes our business for this evening.

Town Clerk Krupienski: Commissioner Bachand had his hand raised.

Commissioner Bachand: Just a couple of general observations. I still wish, before we, in our agenda, before we go to the closing of the meeting we had a chance for commissioners to give their thoughts, comments by commissioners or whatever, there is not from stopping us from doing it, but sometimes we go to close the meeting so quickly. I just want to say thank you to everyone. This is my first virtual meeting, actually I did a call in one, we did it a little differently with the phone line and watching NCTV, that worked ok, and this worked ok too, it's not terrible, but it is a lot easier if we are all together, so hopefully by the next meeting or so we will all be back together. Just wanted to say thank you to Erik and James for making it, working out the kinks here.

E. Hinckley: Just as a point of reference for everyone what John is talking about regarding comments, this has come up in the past. You guys would have to change your internal rules, because the way they are laid out, there is not item for that in your agenda. So if that is something you want to do going forward, I can push that out to the Chairman to look at the internal rules and if you want to change it you can. I don't believe we need council approval for our own internal rules. So, if it is something you want to do going forward, it is up for discussion and I can put it on the agenda.

Commissioner Bachand: That is something I have been asking about for years now. I don't see anything negative to it, but I will go along with what everyone else wants.

Chairman Sadil: Is there anyone else? Seeing none. Do I have a motion to adjourn?

## IX. ADJOURNMENT

Motion to adjourn the meeting by Commissioner Paskewich. Seconded by Commissioner Bachand. Motion passed unanimously. The meeting adjourned at 7:30 p.m.

Respectfully submitted,



Susan Gibbon

Recording Secretary